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NOTES OF CASES.

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HOLIDAYS—JUDICIAL PROCEEDINGS.—An indictment found by the grand jury on a holiday is held, in *State v. Thomas* (Ohio), 48 L. R. A. 459, not to be for that reason invalid.

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DE FACTO OFFICERS.—An officer who accepts a second office when he cannot hold both is held, in *Oliver v. Jersey City* (N. J.), 48 L. R. A. 412, to be an officer *de facto* whose acts will be valid as to the public, if he continues to act in his original office.

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INJUNCTION—CRIMINAL PROCEEDINGS.—An injunction against the enforcement of a statute requiring the inspection of beer on the ground that the statute is unconstitutional is denied in *State v. Wood* (Mo.), 48 L. R. A. 596, where the statute is enforceable only by criminal proceedings, since equity has no jurisdiction to enjoin criminal prosecutions. See 5 Va. Law Reg. 821.

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LEGACIES—CONDITION PRECEDENT—DISCRETION OF EXECUTOR.—A condition in a legacy that the legatee's right thereto shall depend upon the decision of the executors at the end of a certain time that he is a reformed man, is sustained in *Re Jones* (Mich.), 48 L. R. A. 580, on the ground that it is sufficiently certain, and that such decision is a condition precedent to his right to the legacy.

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GARNISHMENT OF FOREIGN CORPORATION.—A debt due from an insurance company for loss in another State is held, in *Strause Bros. v. Etna Ins. Co.* (N. C.), 48 L. R. A. 452, not to have any situs in a third State so as to sustain a garnishment there by a creditor of the insured merely because there was an insurance agent in the State on whom process could be served under the State statutes.

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FIRE INSURANCE—PAROL CONTRACT—TERMS OF POLICY.—The right to insurance on property destroyed by fire after an oral contract to insure, but before issuance of a policy, is held, in *Hicks v. British America Assurance Co.* (N. Y.), 48 L. R. A. 424, to be subject to the provisions and conditions of the standard policy prescribed by law, including that as to furnishing proofs of loss within a specified time.

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MUNICIPAL CORPORATIONS—ORDINANCES—SIGNS.—An ordinance making it a penal offense to maintain a sign over a sidewalk is held, in *State v. Higgs* (N. C.), 48 L. R. A. 446, not to be included in the charter power to open streets and keep them free and clear from obstructions, and to be unreasonable, oppressive, and void as applied to a sign which does not impede, delay, obstruct, or in any way endanger the use of the sidewalk.

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AUCTION SALES—"PUFFING."—One who bids at a public sale, not because of any desire to purchase, but merely to run up the price, either in his own interest or that of another, is held, in *McMillan v. Harris* (Ga.), 48 L. R. A. 345, not to

be a "puffer," if in case his bid is the last and highest he can be compelled to take and pay for the property, although by arrangement with others he may not be compelled to keep and pay for it.

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**MUNICIPAL CORPORATIONS—SEWERAGE—INJURY TO LOWER RIPARIAN PROPRIETOR.**—The destruction of oysters by casting sewage upon them, though from a sewer constructed by a city under legislative authority, is held, in *Huffmire v. Brooklyn* (N. Y.), 48 L. R. A. 421, to be as clearly a taking of the property of the owner of the oyster bed for which he has a constitutional right to compensation as if there had been a physical removal and conversion of the oysters.

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**EXEMPTION FROM TAXATION—COLLEGE PROPERTY.**—The exemption from taxation of property used for college purposes is held, in *Harvard College v. Assessors of Cambridge* (Mass.), 48 L. R. A. 547, to extend to dormitories and dining halls and dwellings occupied by the president and college professors. To similar effect it is held, in *Phillips Academy v. Andover* (Mass.), 48 L. R. A. 550, that such exemptions extend to the premises occupied by the professors of an academy.

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**EVIDENCE—UNSTAMPED INSTRUMENT IN STATE COURT.**—The right to use an instrument as evidence in a State court is held, in *Knox v. Rossi* (Nev.), 48 L. R. A. 305, not to be subject to the provisions of the Federal war revenue act to the effect that instruments not stamped cannot be used as evidence in any court. With this case is a note reviewing the numerous English and American cases as to the effect of the omission to stamp an instrument on which the law requires a stamp, or to cancel the stamps thereon.

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**MUNICIPAL CORPORATIONS—LEGISLATIVE CONTROL.**—The power of the legislature to apportion the burden of constructing a highway or bridge among towns benefited thereby, although not touched by it, is sustained in *State v. Williams* (Conn.), 48 L. R. A. 465, and the levy of such burdens on the towns is held not to violate any right of local self-government. With this case is an extensive note on the power of the legislature to impose burdens upon municipalities and to control their local administration and property.

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**MUNICIPAL CORPORATIONS—ORDINANCES—SEWER CONNECTIONS.**—An ordinance which provides that the city shall do the work and furnish the materials for making a sewer connection up to within three feet of the building to be connected is held, in *Slaughter v. O'Berry* (N. C.), 48 L. R. A. 442, to be void as an unreasonable invasion of the rights of property owners, although the city may properly specify the materials to be used and provide that the work shall be done only by some person licensed by the city to make such connections and under the supervision of the city inspector.

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**PUBLIC EMPLOYMENT—DISCRIMINATION—ASSOCIATED PRESS.**—Discrimination between newspapers in the sale of news by a press association which has charter power to own and operate telegraph lines and exercise the right of emi-